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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/512,669 02/24/00 JECK-PROSCH

U 32140-153023

IM22/0926
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EXAMINER

STRAIN, P

ART UNIT

PAPER NUMBER

1762

DATE MAILED:

09/26/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/512,669

Applicant(s)

JECK-PROSCH ET AL.

Examiner

Paul D Strain

Art Unit

1762

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 1-9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 10-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claims ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☒ All b) ☐ Some * c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☒ received.
2. ☐ received in Application No. (Series Code / Serial Number) ____.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 18) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

DETAILED ACTION

1. Claims 1-20 are pending in the Application. Claims 1-9 have been withdrawn from consideration by the Examiner as noted *infra*.

Election/Restrictions

2. Applicant's election of claims 10-20 in Paper No. 4 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Priority

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 10-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 10 at lines 4-5 of the claim, the phrase "of inert or energetic polymer and energetic, monomer softener" is confusing. The Examiner is uncertain what, exactly,

Art Unit: 1762

Applicant is claiming but suggests that applicant amend the claim to read "of --an-- inert or --an-- energetic polymer and --an-- energetic, [monomer] --monomeric--softener.

In claim 19, the limitation "as one of a solution and emulsions; by one of spraying in a rotating drum and incubating in an impregnating solution" is confusing and it is unclear what exactly Applicant is attempting to claim.

Likewise in claim 20, the phrase "by one of application of a mixture of the two components and through a two-stage, consecutive treatment" is confusing. The Examiner suggest applicant incorporate language such as --by applying a mixture of the two components or by a two-stage, consecutive treatment--.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 10-14, 16 and 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Canterbury (US Patent 4,950,342), hereinafter "Canterberry".

Canterberry discloses a method of coating propellant granules that are used as gun powders (Abstract; col. 1, line 8). The propellant granules are nitrocellulose, but may include nitroglycerine (Abstract; col. 1, lines 20-25). These granules are coated, by immersion (col. 3, lines 35-55) with a polyester polymer (col. 2, lines 24-32) and may incorporate 5 to 40% nitroglycerin (col. 2, lines 45-50).

Art Unit: 1762

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. O'Meara *et al* (US Patent 5,510,062) discloses coating nitrocellulose particles with cellulosic materials. Bolinder *et al* (US Patent 4,597,994) discloses coating propellants with polyurethanes and polyesters. UK Patent 832,137 discloses coating gun powders with ureas.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul D Strain whose telephone number is (703)305-0606. The examiner can normally be reached on First Fridays Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shrive P Beck can be reached on (703)308-2333. The fax phone numbers for the organization where this application or proceeding is assigned are (703)305-3599 for regular communications and (703)305-3599 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0661.



Paul D. Strain
September 22, 2000



Shrive Beck
Supervisory Patent Examiner
Technology Center 1700